

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BELINDA DARDEN SMITH,)
Plaintiff) Civil Action
vs.) No. 2013-cv-05451
CAROLYN W. COLVIN,)
Acting Commissioner of)
Social Security,)
Defendant)
SOCIAL SECURITY ADMINISTRATION)
Interested Party)

O R D E R

NOW, this 13th day of September, 2016, upon
consideration of the following documents:

- (1) Decision of Administrative Law Judge Nancy Lisewski dated February 16, 2012 and filed as part of the administrative record on February 24, 2014;
- (2) Complaint dated September 17, 2013 and filed October 11, 2013;
- (3) Answer dated and filed February 24, 2014;
- (4) Motion for Summary Judgment¹ dated and filed April 10, 2014; together with

¹ Pursuant to paragraph 3 of the Procedural Order for Social Security Review, plaintiff is required to file and serve "Plaintiff's Brief and Statement of Issues in Support of Request for Review and Motion for Summary Judgment", which plaintiff did on April 10, 2014. I consider paragraph 1 of plaintiff's Complaint in which she "seeks judicial review pursuant to 42 U.S.C. [§] 405(g) of an adverse decision of the defendant" to be a "Request for Review". Plaintiff's "Motion for Summary Judgment" filed April 10, 2014 is no longer a required or appropriate procedure in an action seeking review of a decision by the Commissioner of Social Security denying plaintiff Disability and Supplemental Security Income benefits. Accordingly, I am disregarding it.

Plaintiff's Brief in Support of Motion
for Summary Judgment;

- (5) Defendant's Response to Request for Review of Plaintiff, which response was dated and filed May 13, 2014; and
- (6) Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated and filed June 15, 2016;

after a thorough review of the record in this matter; it appearing that neither party filed objections to Magistrate Judge Perkin's Report and Recommendation; it further appearing that Magistrate Judge Perkin's Report and Recommendation correctly determined the legal and factual issues presented in this case,

IT IS ORDERED that Magistrate Judge Perkin's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that plaintiff's request for review is granted.

IT IS FURTHER ORDERED that plaintiff's request for remand is granted.

IT IS FURTHER ORDERED that judgment is entered in favor of plaintiff Belinda Darden Smith, and against defendant Carolyn W. Colvin, Acting Commissioner of the Social Security Administration.

IT IS FURTHER ORDERED that the decision of the Commissioner dated February 16, 2012 and affirmed by the Appeals Council on July 23, 2013 which denied benefits to plaintiff Belinda Darden Smith is reversed.

IT IS FURTHER ORDERED that pursuant to sentence four of 42 U.S.C. § 405(g) this matter is remanded to the Commissioner for further proceedings in accordance with Magistrate Judge Perkin's Report and Recommendation.

IT IS FURTHER ORDERED that the Clerk of Court shall close this case for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge